

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Mar 15, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MARK M.,

Plaintiff,

v.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,<sup>1</sup>

Defendant.

No. 2:23-CV-00337-ACE

ORDER GRANTING STIPULATED  
MOTION TO REMAND PURSUANT  
TO SENTENCE FOUR OF 42 U.S.C.  
§ 405(g)

**ECF No. 14**

**BEFORE THE COURT** is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 14. Attorney Christopher H. Dellert represents Plaintiff; Special Assistant United States Attorney David J. Burdett represents Defendant. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion to Remand, **ECF No. 14**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to

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<sup>1</sup>Pursuant to Federal Rule of Civil Procedure 25(d), Martin O'Malley, Commissioner of Social Security, is substituted as the named Defendant.

1 sentence four of 42 U.S.C. § 405(g). On remand, the Commissioner shall: (1)  
2 reassess Plaintiff's residual functional capacity ensuring that it is supported by  
3 substantial evidence including any evidence offered by a vocational expert; (2)  
4 offer Plaintiff the opportunity for a new hearing; (3) take any further action needed  
5 to complete the administrative record; and (4) issue a new decision.

6 2. **Judgment shall be entered for PLAINTIFF.**

7 3. Plaintiff's Opening Brief, **ECF No. 10**, is **STRICKEN AS MOOT**.

8 4. An application for attorney fees under the Equal Access to Justice  
9 Act, 28 U.S.C. § 2412, may be filed by separate motion.

10 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
11 Order, forward copies to counsel, and **CLOSE THE FILE**.

12 DATED March 15, 2024.



A handwritten signature in blue ink, reading "Alexander C. Ekstrom", is written over a horizontal line.

ALEXANDER C. EKSTROM

UNITED STATES MAGISTRATE JUDGE